

REMARKS/ARGUMENTS

The office action of October 26, 2006 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 5, 15, 18, 19, 48, 7, 8, 12-14, 27, 29, 30, 34-36 and 48 remain in this application. Claims 1-4, 6, 9, 16, 37, 40-47 and 50 were previously canceled as being drawn to a non-elected invention and claims 10, 11, 17, 20-26, 28, 31-33, 38, 39 and 49 have been canceled without prejudice or disclaimer.

Claim Rejections – 35 U.S.C. § 102

Claims 5, 10, 14, 15, 18, 26, 35 and 48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,347,295 to Agulnick et al. (“Agulnick”). Applicants respectfully traverse this rejection. Claims 10 and 26 have been canceled without prejudice or disclaimer rendering their rejection moot.

The action alleges that Agulnick shows all the elements of independent claim 5. Nowhere does Agulnick teach or suggest providing the claim 5 features of in a first application program, displaying a first display widget on the display screen responsive to detecting a physical presence proximate to or contacting the auxiliary control, *the first display widget providing status information for the first function assigned to the auxiliary control* in the first application program, and in a second application program different from the first application program, displaying a second display widget on the display screen responsive to detecting a physical presence proximate to or contacting the auxiliary control, *the second display widget providing status information for the second function assigned to the auxiliary control in the second application program* as recited in amended claim 5.

Agulnick discloses a pen computer system that senses the tip of a stylus, which is proximate to a computer display screen. The Agulnick system uses proximity detection to detect the approach of a stylus tip to a computer screen and gesture commands can be entered on the screen in response to movement of the stylus. Abstract, lines 5-8 and col. 8, lines 52-68. Agulnick executes the gesture commands upon completion of the gesture by employing “departure-from-proximity detection to signal the completion of the respective commands.” Col.

9, lines 57-61. As such Agulnick discloses a gesture command, which when executed, can cause information to appear such as shown in Figs. 23-28. During input of a gesture, Agulnick merely displays an image of the actual stroke, and does not provide status information for the *function assigned to the auxiliary control* in the respective application program as claimed. Indeed, a function is not assigned to the display screen and digitizer of Agulnick. If the region of the display screen in which the information is displayed is somehow considered an auxiliary control (Applicants do not agree that such a region is an auxiliary control), the display of the information in the region would be the function associated with the region of the display screen such that the detecting causes the display function to be activated. In contrast, claim 5 calls for detecting a physical presence without the physical presence causing the function assigned to the auxiliary control to be activated. For at least these reasons, Agulnick lacks a teaching or suggestion of the claim 5 combination of features. Claims 15, 18 and 48, which depend from claim 5, are patentably distinct from Agulnick for the same reasons as claim 5, and further in view of the additional advantageous features recited therein. For example, claim 18 calls for the auxiliary control to be a button or a key whereas in Agulnick proximity detection is not carried out for a button or key, but rather for the display screen including a digitizer. *See* col. 6, lines 53-63.

Similarly, Agulnick neither teaches nor suggests the claim 14 combination of features including displaying a display widget on the display screen responsive to detecting a physical presence proximate to or contacting the auxiliary control, the display widget providing status information for the function of showing the task bar assigned to the auxiliary control, the status information including the task bar. Particularly, during input of a gesture, Agulnick merely displays an image of the actual stroke, and does not provide status information for the function of showing the task bar assigned to the auxiliary control in the respective application program. As such, claim 14 is patentably distinct from Agulnick for at least this reason, and the applicable reasons set forth above with respect to claim 5.

Amended claim 35 calls for a method including, while in a document, detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the save function assigned to the auxiliary control to be activated; and displaying a display widget on the display screen responsive to the step of

detecting, the display widget *providing status information for the save function assigned to the auxiliary control*, wherein the status information identifies at least one of time, date, location, file type and size of most recently save for the document. Agulnick discloses a gesture command, which when executed, causes the “Documents” sheet 670 in Fig. 26 to appear. Even though the “Documents” sheet identifies size and date of an underlying document, this information does not correspond to status information for a save function assigned to an auxiliary control as recited in claim 35. Indeed, a save function is not assigned to the display screen and digitizer of Agulnick. For at least this reason and the applicable reasons set forth with respect to claim 5, claim 35 is patentably distinct from Agulnick.

Claims 7 and 8 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. patent no. 6,346,951 to Mastronardi. Applicants respectfully traverse this rejection.

Amended claim 7 recites, among other features, detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the multimedia function assigned to the auxiliary control to be activated; and displaying a display widget on the display screen responsive to the step of detecting, the display widget providing status information the multimedia function assigned to the auxiliary control, the status information identifying at least one of track name, track time remaining, track length, album title and album length in a multimedia application. The action alleges that Mastronardi shows all the features of independent claim 7 pointing to Figs. 7-9 and col. 5, line 45 to col. 6, line 20. Mastronardi describes a system in Fig. 7 in which a user can touch a zone 86 of a display window 80 to cause a selection menu that aids a user in making a musical selection to be displayed such as shown in Fig. 8 or Fig. 9. It appears that the action is equating touching the touch screen in Mastronardi to detecting a physical presence as claimed. However, the function assigned to touching the touch screen is displaying the selection menu, and touching the screen causes the function assigned to the screen to be activated. In contrast, the claim 7 invention calls for detecting the physical presence *without the physical presence causing the multimedia function assigned to the auxiliary control to be activated*. Moreover, the display of the selection menu in Mastronardi neither teaches nor suggests providing status information *for the multimedia function assigned to the auxiliary control* as recited in claim 7. In view of the above,

Mastronardi fails to teach or suggest all the features of claim 7. Claim 8, which depends from claim 7, is patentably distinct from Mastronardi for at least the same reasons as claim 7, and further in view of novel and non-obvious features recited therein.

Claims 12, 13, 27, 29, 34 and 36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,252,951 to Tannenbaum et al. ("Tannenbaum"). Applicants respectfully traverse this rejection.

Tannenbaum describes a user interface that operates on an integrated operating environment. In the environment, a user can select among available input devices to operate any active application program based on his preference. Input signals generated by the input devices are translated to input messages which can be used with any application even if the application was not originally written to receive inputs from the particular input device. For example, an entirely new input device can be used with an application program. Each application profile includes a list of input messages that are mapped to corresponding commands useable by the respective application program. Also, user specific profiles can be used with the application profiles.

Amended claim 12 calls for, among other features, while a first currently running application is in focus, detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the function of switching focus to another currently running application assigned to the auxiliary control to be activated; and displaying a display widget on the display screen responsive to the step of detecting, the display widget providing status information for the function assigned to the auxiliary control, the status information identifying each of the currently running applications. Tannenbaum is totally devoid of a teaching or suggestion of detecting a physical presence *without the physical presence causing the function of switching focus to another currently running application assigned to the auxiliary control to be activated*. Tannenbaum merely allows an input device to be used with an application that was not originally designed to be used with the input device. Nor does Tannenbaum teach or suggest displaying a display widget on the display screen responsive to the step of detecting, the display widget *providing status information for the function assigned to the*

auxiliary control. For at least these reasons, claim 12 and claim 13, which depends from claim 12, are patentably distinguishable from Tannenbaum.

The action points to col. 17, line 25 to col. 18, line 3 to show the claim 27 combination of features. Amended claim 27 calls for, among other features, detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing a function assigned to the auxiliary control to be activated; and displaying a display widget on the display screen responsive to the step of detecting, the display widget providing status information for the function assigned to the auxiliary control, wherein a type of status information for the first function assigned to the auxiliary control displayed when a first application program is active is different from a type of status information for the second function assigned to the auxiliary control displayed when a second application program is active. Tannenbaum describes the recognition of a gesture input by way of a stylus or finger to a touch screen, and based on the recognition of the gesture will cause an action or series of actions to take place. However, this disclosure in Tannenbaum does not teach or suggest detecting a physical presence proximate to or contacting the auxiliary control *without the physical presence causing a function assigned to the auxiliary control to be activated*. Necessarily, Tannenbaum does not teach, suggest or disclose displaying a display widget *providing status information for the function assigned to the auxiliary control* as claimed irrespective of the active application. In view of the above, claim 27 is patentably distinguishable from Tannenbaum.

Amended claim 29 is distinguishable from Tannenbaum for similar reasons as set forth above with respect to claim 27. In addition, applicants note that Fig. 4 of Tannenbaum and the accompanying description provide an explanation of how to determine for which application a particular input is intended and then taking appropriate action 127. Also, Tannenbaum describes that inputting a circle gesture or touching a keyboard icon causes a soft keyboard to pop up; this neither teaches nor suggests detecting a physical presence proximate to or contacting the auxiliary control without the physical presence causing a function (e.g., message related) assigned to the auxiliary control to be activated. In view of the above, claim 27 is patentably distinct from Tannenbaum.

The action points to col. 20, line 67 to col. 21, line 16 to show the claim 34 combination of features. Amended claim 34 calls for detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the function of pasting contents of the clipboard assigned to the auxiliary control to be activated; and displaying a display widget on the display screen responsive to the step of detecting, the display widget providing status information for the function of pasting contents of the clipboard assigned to the auxiliary control, wherein the status information identifies the contents of the clipboard. To the extent the discussions above with respect to claim 12, 27, and 29 apply to claim 34, claim 34 is patentably distinguishable from Tannenbaum. In addition, the cited section of Tannenbaum describes gestures which invoke copy and paste commands. However, neither the cited section nor any other portion of Tannenbaum teaches or suggests detecting a physical presence proximate to or contacting the auxiliary control *without the physical presence causing the function of pasting contents of the clipboard assigned to the auxiliary control to be activated*. Moreover, the cited section only describes performing the copy and paste function and in no way teaches or suggests displaying a display widget on the display screen responsive to the step of detecting, the display widget *providing status information for the function of pasting contents of the clipboard assigned to the auxiliary control, wherein the status information identifies the contents of the clipboard*. In view of the above, claim 34 is patentably distinct from Tannenbaum.

To show the features of claim 36, the action relies on col. 20, lines 37-43 of Tannenbaum. As amended claim 36 recites, among other features, receiving a selection of a range of cells in the application; while the cells are selected, detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the mathematical function assigned to the auxiliary control to be activated; and displaying a display widget on the display screen responsive to the step of detecting, the display widget providing status information for the mathematical function assigned to the auxiliary control, wherein the status information identifies a result if the mathematical function would be applied to the selected cells. To the extent the discussions above with respect to claim 12, 27, 29 and 34 apply to claim 36, claim 36 is patentably distinguishable from Tannenbaum. Moreover, the cited

section of Tannenbaum merely describes gestures which invoke copy commands in a spreadsheet. This section and the rest of Tannenbaum however, fails to teach or suggest while the cells are selected, detecting a physical presence proximate to or contacting the auxiliary control without the physical presence causing the mathematical function assigned to the auxiliary control to be activated. Nor does Tannenbaum provide any teaching or suggestion of displaying a display widget on the display screen responsive to the step of detecting, the display widget *providing status information for the mathematical function assigned to the auxiliary control, wherein the status information identifies a result if the mathematical function would be applied to the selected cells*. In view of the above, claim 36 is patentably distinct from Tannenbaum.

Claim Rejections – 35 U.S.C. § 103

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Agulnick in view of U.S. patent no. 6,489,974 to Johnson et al. Claim 11 has been canceled without prejudice or disclaimer rendering this rejection moot.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Agulnick in view of U.S. patent no. 5,635,958 to Murai et al. (“Murai”). Applicants respectfully traverse this rejection. Claim 19 depends from claim 5. The action alleges that Agulnick shows all the features of claim 5, but for the physical presence being a hand of a user. To remedy this defect the action relies on Murai. Notwithstanding, Murai fails to overcome the deficiencies of Agulnick noted above with respect to claim 5. That is, Murai neither teaches nor suggests providing status information for the function assigned to an auxiliary control in an application program as called for in claim 19. As such, the combination of Agulnick and Murai, even if proper, would not have resulted in claim 19 invention.

Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Agulnick in view of U.S. patent no. 5,983,245 to Newman et al. (“Newman”). Applicants respectfully traverse this rejection. Amended claim 30 recites, among other features, detecting a physical presence proximate to or contacting the auxiliary control for a predefined period without the physical presence causing the web browsing function assigned to the auxiliary control to be activated; and displaying a display widget on the display screen responsive to the step of

detecting, the display widget providing status information for the web browsing function assigned to the auxiliary control.

The action alleges that Agulnick describes all the features of claim 30, but for the status information including at least one of the most recently used searches, at least one of the most recently obtained search results, identification of previous and next web pages which may be visited, list of favorite web pages, and current page loading information. To remedy this defect, the action relies on Newman. However, Agulnick is deficient in other respects.

Agulnick discloses a gesture command, which when executed, can cause information to appear such as shown in Figs. 23-28. During input of a gesture, Agulnick merely displays an image of the actual stroke, and does not provide status information for the *function assigned to the auxiliary control* in the respective application program as claimed. Indeed, a function is not assigned to the display screen and digitizer of Agulnick. If the region of the display screen in which the information is displayed is somehow considered an auxiliary control (Applicants do not consider such a region as such), the display of the information in the region would be the function associated with the auxiliary control such that the detecting causes the display function to be activated, whereas the claim calls for detecting a physical presence without the physical presence causing the function assigned to the auxiliary control to be activated. As such, Agulnick is deficient in these further respects with respect to claim 30.

Even though Newman discloses displaying information including at least one of the most recently used searches, at least one of the most recently obtained search results, identification of previous and next web pages which may be visited, list of favorite web pages, and current page loading information, Newman fails to overcome the aforementioned further deficiencies of Agulnick discussed above. For at least this reason, the combination of Agulnick and Newman, even if proper, does not result in the claim 30 invention.

Appln. No.: 09/804,496
Amendment dated January 26, 2007
Reply to Office Action of October 26, 2006

CONCLUSION

Applicants believe that all rejections have been addressed and respectfully submit that the instant application is now in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: January 26, 2007

By: /Gary D. Fedorochko/
Gary D. Fedorochko
Registration No. 35,509

1001 G Street, N.W.
Washington, D.C. 20001-4597
Tel: (202) 824-3000
Fax: (202) 824-3001
GDF:lab